

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STATUS REPORT

**SWARTWOOD, M.J.**

The following is a Status Report to Saris, J. to whom this case is assigned:

## 1. Plea Negotiations

Counsel for the parties have requested additional time to initiate and possibly complete a non-trial resolution of this case. If the case cannot be resolved, Mr. Dwinells' counsel intends to file substantive motions, but does not intend to take that step until plea negotiations are completed. Therefore, I have granted the parties' request for a further status conference.

## 2. Further Status Conference

A further status conference shall be held in this case on October 13, 2004, at 9:30 a.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts 01608.

3. Excludable Time

With the assent of counsel for the parties, I am excluding from the Speedy Trial Act, the period from September 9, 2004 (date of expiration of prior order of excludable time) through October 13, 2004 (date by which a decision will be made as to whether or not this case can be resolved without a trial). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Wednesday, December 22, 2004.

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
MAGISTRATE JUDGE